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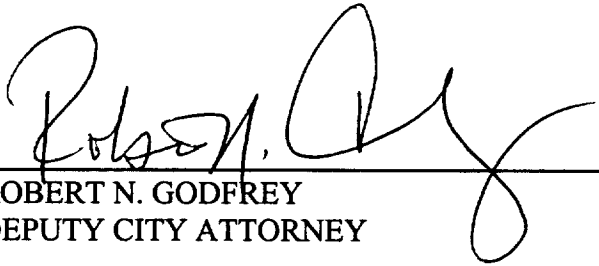
Entered - 10/21/99 - sb
CL99L0663 - DIANNE C. MITCHELL

CLAIM OF: **JANICE WELDON,**
 through her attorney,
 Stanford J. Klinger
 Suite 1200
 100 Colony Square
 Atlanta, Georgia 30361

For damages alleged to have been sustained as a result of the
wrongful death of Ronald Courtney Weldon on April 11, 1999 at
4255 Will Lee Road, College Park, Georgia.

THIS ADVERSED REPORT IS APPROVED

BY: _____


ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0663

Date: December 27, 2000

Claimant /Victim JANICE WELDON
BY: (Atty) Stanford N. Klinger
Address: Suite 1200, 100 Colony Square, Atlanta, Georgia 30361
Subrogation: _____ Claim for Property damage \$ _____ Bodily Injury \$ not stated
Date of Notice: 10/12/99 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ X Ante Litem (6 Mo.) _____ X
Date of Occurrence 04/11/99 Place: 4255 Will Lee Road, College Park
Department: _____ Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges her relative was killed while diving in a swimming pool located in the Welcome All Park and Natatorium which is part of the Fulton County Department of Parks and Recreation. The claimant further alleges that the City is liable due to its involvement in the planning, design, construction and/or installation of said swimming pool in conjunction with the 1996 Olympics. However, the City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
 Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other _____
 Traffic citations issued: City Driver _____ Claimant Driver _____
 Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse ☒ Account charged: 1A01 _____ 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 12-28-00
Committee Action: _____ Council Action _____

THE LAW OFFICE OF
STANFORD N. KLINGER
PEACHTREE & FOURTEENTH STREETS
100 COLONY SQUARE, SUITE 1200
ATLANTA, GEORGIA 30361

Mitchell
10/14/99
[Signature]

STANFORD N. KLINGER
ATTORNEY AT LAW

TELEPHONE (404) 892-1212
FACSIMILE (404) 872-2838
ENTERED - 10-21-99 - SB
99L0663 - DIANNE MITCHELL

October 8, 1999

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED
NUMBER Z 493 954 469

To the Mayor of the City of Atlanta, Bill Campbell
and the City Council Members
c/o Clerk for Atlanta City Council
55 Trinity Avenue, SW
Atlanta, Georgia 30335

Re: Notice of Claim Against the City of Atlanta
Claimant/Our Client : Janice Weldon
Incident : The Wrongful Death of Ronald Courtney Weldon
Date of Injury : April 11, 1999
Location of Incident : Murphy Avenue, SW and Dill Avenue, SW

Dear Mayor and Council Members:

This letter shall serve as Janice Weldon's written notice to the City of Atlanta that she is asserting a claim against the City of Atlanta.

With respect to claims against cities, O.C.G.A. §36-33-5 sets out the *ante litem* requirements for actions against municipal corporations. Failure to comply with the requirements bars any right of action against a municipality (See *City of Atlanta v. Barrett*, 102 Ga. App 469, 116 S.E. 2d 654 (1960)). The statute requires that within 6 months of the happening of the event upon which the claim is predicated, the claim be presented to the governing authority of the municipality, in writing, for "adjustment". The "time, place, and extent of the injury as near as practicable and the negligence which caused the injury" must be included and are set forth below.

(A) The time of the transaction or occurrence: The incident occurred on April 11, 1999 at approximately 3:00 p.m.

(B) The place of the transaction or occurrence: The incident occurred at the Welcom All Park and Natatorium, 4255 Will Lee Road, College Park, Georgia 30349.

(C) The nature of the injuries: The incident resulted in injuries to, and ultimately the wrongful death of Ronald Courtney Weldon.

(D) The amount of the loss claimed: The claim asserted is for the pain and suffering experienced by Ronald Courtney Weldon prior to his death, the final medical expenses incurred on his behalf, and the full value of his life. The exact amount which will be sought is yet to be determined, but will be several millions of dollars.

(E) The cause of the loss:

We believe that the architectural specifications, construction and installation of the main swimming pool located at the Fulton County Recreation Facility, known as Welcome All Park and Natatorium, as well as the diving board installed thereon, cause the pool itself to become a nuisance. The pool's dimensions, including its width, length, depth, measured slope and rise from deep to shallow end are such that it permits a diver to dive from the diving board and enter the water at a dangerously shallow level. This allowed Ronald Courtney Weldon to strike his head on the floor of the pool, sustain a cervical injury, and ultimately drown.

The pool was constructed for the Olympics, and to the extent that the City of Atlanta participated in the planning, design, construction and/or installation of the pool or the diving board, the City created or contributed to the creation of a nuisance.

Ms. Weldon specifically reserves the right to amend this notice, pursue other theories of liability, to allege other acts or omissions by the City of Atlanta or its employees and entities, or other private persons or entities as more details become available through our investigation or through the litigation of this matter should it become necessary.

Your return receipt will inform us of the date you received this notice. Please direct all future correspondence to this office and contact me if you have any questions.

Sincerely yours,



Stanford N. Klinger

SNK/rab
Enclosure

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01-R-0022